

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
CATEGORICAL EXCLUSION (CX) COMPLIANCE AND DECISION RECORD
U.S. Department of Interior (DOI)
Bureau of Land Management (BLM)**

NEPA Document Number: DOI-BLM-AZ-P010-2013-0028-CX

A. Background

BLM Office: **Hassayampa Field Office (AZP010)**

Lease/Serial/Case File No.: **AZA-33788**

Proposed Action Title/Type: City of Peoria **Water Line Right-of-Way (ROW)**

Location of Proposed Action: **Gila & Salt River Meridian, Maricopa County, Arizona**
 T. 5 N., R. 1 W.,
 Sec. 15, Lots 11;
 containing .138 acres, more or less.

Description of Proposed Action: The proposed action is to grant authorization for the use, operation and maintenance of a water line (AZA-33788), located entirely within the Central Arizona Project (CAP), on Bureau of Land Management (BLM) land. The applicant is asking for a 10" water pressure line that they would jack and bore, under the CAP, in Maricopa County.

Access to the site is available utilizing existing public roads. If authorized, the 20' wide by 300' long ROW would be issued for a term of 30 years with the right to renew.

B. Land Use Plan Conformance

Land Use Plan Name: **Bradshaw-Harquahala Record of Decision and Approved Resource Management Plan**

Date Approved/Amended: **April 2010**

☐ The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

☒ The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

This action has been reviewed for conformance, with the Bradshaw-Harquahala Resource Management Plan (RMP) with respect to the Code of Federal Regulations (CFR) (43 CFR 1610.5) and BLM Manual 1601.04 C.2. It has been determined that the proposed action does comply with the objectives, terms, and conditions of the RMP. Specifically, this type of action is provided for in Lands and Realty Management, Land Use Authorizations LR-24 which states,

"Continue to issue land use authorizations (right-of-way, leases, permits, easements) on a case-by-case basis and in accordance with resource management prescriptions in this land use plan."

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA), in accordance with the list of DOI-wide categorical exclusions located in 516 DM 11.5 or 516 DM Chapter 2, Appendix 1.

The Departmental Manual [516 DM 2.3 (A)(3) and 516 DM, Appendix 2] requires that before any action described in the list of categorical exclusions is used, the exceptions (located in Attachment 1) must be reviewed for applicability and, in each case, must result in no extraordinary circumstances.

In this case, the use of a categorical exclusion is appropriate because there are no extraordinary circumstances which may have significant effects on the environment. Considerations of all aspects of this document were taken and no potential for significant impacts were found. In other words, the proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM Chapter 2 or 516 DM 11.5 apply.

Justification for the use of a CX, for this action, resides in 516 DM Chapter 6 Appendix 5 Section 5.4 (E)(9) as well as BLM NEPA Handbook (H-1790-1) Appendix 4, (E)(12) which states,

“Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.”

D. Terms and Conditions

Mitigating measures have been incorporated in the grant as terms and conditions. A list of all mitigating measures are located in the attached document (Appendix A) entitled Mitigating Measures.

E. Signature

Authorizing Official: D. Remington Hawes Date: 8/21/2013
(Signature)

Name: D. Remington Hawes

Title: Hassayampa Field Manager

Contact Person

For additional information concerning this CX, contact Hillary Conner, Realty Specialist, at 623-580-5649, BLM, Hassayampa Field Office, 21605 N. 7th Avenue, Phoenix, Arizona 85027.

Note: A separate decision document must be prepared for the action covered by the CX. See Attachment 2.

Attachment 1

EXTRAORDINARY CIRCUMSTANCES REVIEW AND CHECKLIST		
<p><i>IMPORTANT: Appropriate staff should review the circumstances listed below, and comment for concurrence. Rationale supporting the concurrence should be included where appropriate.</i></p>		
EXTRAORDINARY CIRCUMSTANCES	YES/NO & RATIONALE (If Appropriate)	STAFF
Does the proposed action...		
1. Have significant impacts on public health and safety?	N	HC
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?	N	HC, CC, BL, MS, JH
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?	N	HC, CC, BL, JH
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	N	HC, CC
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	N	HC
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	N	HC, CC, BL, JH
7. Have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?	N	CM
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?	N	HC, CC
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	N	HC, CC, BL, JH
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?	N	HC
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?	N	HC, BL
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?	N	HC, CC

HC = Hillary Conner
 CC = Codey Carter
 BL = Bryan Lausten
 JH= James Holden

Approval and Decision

Attachment 2

Compliance and assignment of responsibility: Lands & Realty Department

Monitoring and assignment of responsibility: Lands & Realty Department

Review: *We have determined that the proposal is in accordance with the categorical exclusion criteria and that it would not involve any significant environmental effects. Therefore, it is categorically excluded from further environmental review.*

Prepared by: _____/S/ Hillary Conner_____ **Date:** 8/16/2013

Hillary Conner
Project Lead

Reviewed by: _____/S/ Leah Baker_____ **Date:** 8/19/2013

Leah Baker
Planning & Environmental Coordinator

Reviewed by: _____/S/ Jim Andersen_____ **Date:** 8/19/2013

Jim Andersen
Lands & Realty Team Lead

Project Description:

Paste Project Description here

Decision: Based on a review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed, with the following mitigating measures listed in Appendix A.

Approved By: _____D. Remington Hawes_____ **Date:** 8/21/2013

D. Remington Hawes, Field Manager

APPENDIX A

Mitigating Measures

1. This grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800 and regulations to be promulgated by the Secretary of the Interior pursuant to Public Law 94-579.
2. Upon grant termination by the authorized officer (AO), all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the AO.
3. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the AO at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way (ROW) or permit granted herein may be reviewed at any time deemed necessary by the AO.
4. The stipulations, plans, maps, or designs set forth in Exhibit A (Land Status Map dated 5/2013) and Exhibit B 1-6 (Vistancia Water Crossing CAP Canal dated 5/2013), attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
5. Failure of the holder to comply with applicable law or any provision of this ROW grant or permit shall constitute grounds for suspension or termination thereof.
6. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
7. In the event that the public land underlying the ROW encompassed in this grant or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the U.S. in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the U.S. in the patent/deed, the U.S. waives any right it has to administer the ROW, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part (2800)(2880), including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the U.S. in all matters relating to the ROW, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW holder.
8. The ROW reserves to the Secretary of the Interior, or lawful delegates, the right to grant additional ROW, leases, permits, or easements for compatible uses over, under, within or adjacent to the lands involved in this grant.

9. The holder shall confine all vehicular traffic and activities associated with the maintenance, operation, and termination of the ROW within the authorized limits of the ROW, except as provided below, or unless otherwise authorized in writing by the AO.
10. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the CAWCD permit. Any relocation, additional construction, or use that is not in accord with the approved plan of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all stipulations and approved plan of development, shall be made available on the right-of-way area during construction, operation, and termination to the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
11. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
12. Holder shall limit excavation to the areas of construction. No borrow areas for fill material will be permitted on the site. All off-site borrow areas must be approved in writing by the authorized officer in advance of excavation. All waste material resulting from construction or use of the site by holder shall be removed from the site. All waste disposal sites on public land must be approved in writing by the authorized officer in advance of use.
13. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
14. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
15. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the AO written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the AO. Emergency use of pesticides shall be approved in writing by the AO prior to such use.
16. Holder shall limit excavation to the areas of construction. No borrow areas for fill material will be permitted on the site. All off-site borrow areas must be approved in

writing by the authorized officer in advance of excavation. All waste material resulting from construction or use of the site by holder shall be removed from the site. All waste disposal sites on public land must be approved in writing by the authorized officer in advance of use.

17. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of **four** inches deep, the soil shall be deemed too wet to adequately support construction equipment.
18. The holder shall re-contour the disturbed area and obliterate all earthwork by removing embankments, backfilling excavations, and grading to re-establish the approximate original contours of the land in the right-of-way.
19. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
20. The holder shall meet Federal, State, and local emission standards for air quality.
21. The holder shall comply with the construction practices and mitigating measures established by 33 CFR 323.4, which sets forth the parameters of the "nationwide permit" required by Section 404 of the Clean Water Act. If the proposed action exceeds the parameters of the nationwide permit, the holder shall obtain an individual permit from the appropriate office of the Army Corps of Engineers and provide the authorized officer with a copy of same. Failure to comply with this requirement shall be cause for suspension or termination of this right-of-way grant.
22. This ROW may be renewed. If renewed, the ROW will be subject to regulations existing at the time of renewal and such other terms and conditions deemed necessary to protect the public interest.

